

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/4/2019 7:53:06 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202

(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 10:26 AM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/4/2019 8:00:49 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 2:56 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:53 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>;
Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie
<Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris
<petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>;
Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie
<Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris
<petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin
<quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6

staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com
<molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com;
matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC
Draft and 2019.04.02 CERCLA Statement of Work EPA
Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/4/2019 7:10:12 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/2/2019 7:22:01 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smith, Monica [smith.monica@epa.gov]
Subject: Re: 311 SOW marked up

I'll ask them to send the redline color version. I made some edits on the hard copy provided, but maybe they didn't like them.

Sent from my iPhone

On Apr 2, 2019, at 2:20 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Ed Q

Sent from my iPhone

Begin forwarded message:

From: <molly.cagle@bakerbotts.com>
Date: April 2, 2019 at 1:25:34 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <MGaudet@iterm.com>, <matthew.kuryla@bakerbotts.com>, <aileen.hooks@bakerbotts.com>
Subject: 311 SOW marked up

Confidential settlement discussions

Ed,

I have not had a chance to review the attached with client. We will absolutely must do that before this can be considered a proposal. But, here's a mark-up of the 311 SOW to start our discussions about a SOW attached to a time critical CERCLA Order that would revoke the 311 Order..

Best,
Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<redline.docx>

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/11/2019 5:24:56 PM
To: Daniel Tighe [Daniel.Tighe@WestonSolutions.com]
Subject: Fwd: 2nd 80s Fire - SCAT Plan revisions

FYI

Sent from my iPhone

Begin forwarded message:

From: "Quinones, Edwin" <quinones.edwin@epa.gov>
Date: April 11, 2019 at 11:12:10 AM CDT
To: "Adams, Adam" <Adams.Adam@epa.gov>, "Turner, Philip" <Turner.Philip@epa.gov>, "Rauscher, Jon" <Rauscher.Jon@epa.gov>, "Smalley, Bryant" <smalley.bryant@epa.gov>, "Crossland, Ronnie" <Crossland.Ronnie@epa.gov>
Subject: RE: 2nd 80s Fire - SCAT Plan revisions

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 11, 2019 10:35 AM
To: Turner, Philip <Turner.Philip@epa.gov>; Rauscher, Jon <Rauscher.Jon@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Subject: Fwd: 2nd 80s Fire - SCAT Plan revisions

Any comments on these comments from the state on their review of the SCAT plans?

Thanks

Adam

Sent from my iPhone

Begin forwarded message:

From: "spill12" <spill12@tceq.texas.gov>
To: "Adams, Adam" <Adams.Adam@epa.gov>
Subject: FW: 2nd 80s Fire - SCAT Plan revisions

Adam,

Please see Nicole's comments below about the SCAT Plan.
Please provide any feedback.

Thank you,

Anallely Salinas
TCEQ- State on Scene Coordinator
(512)965-2717

From: Nicole Bealle
Sent: Thursday, April 11, 2019 10:05 AM
To: spill12 <spill12@tceq.texas.gov>
Cc: Andy Goodridge <Andy.Goodridge@tceq.texas.gov>; Jason Ybarra <Jason.Ybarra@tceq.texas.gov>; Karina Rocha <Karina.Rocha@tceq.texas.gov>; Westin Massey <Westin.Massey@Tceq.Texas.Gov>; Alma Jefferson <Alma.Jefferson@tceq.texas.gov>; Guadalupe Quiroz <guadalupe.quiroz@tceq.texas.gov>; Jonathan Walling <jonathan.walling@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Kelly Cook <kelly.cook@tceq.texas.gov>
Subject: RE: 2nd 80s Fire - SCAT Plan revisions

State OSC:

The review of the attached plan noted the following corrections, updates and comments below and included on the document attached:

- 1) The SCAT plan is using the word "product" to describe liquid incident materials, and we just want to make sure we are uniform in what we are calling this throughout all the plans that we are reviewing. Please review all plans to ensure the word "oil" is not used solely to describe the material that is being dealt with in this response. At a minimum, plans and documents should be referencing it as "material", "chemical mixture" or "waste".

As previously requested in this plan and other plans, do not refer to the released mixture as 'product'. Though there is an explanation of the use of the term, please do not use it as proposed. The recommendation is to use a word that represents the explanation, such as 'chemical mixture' or another similar term. The resulting fire materials are a waste.

- 2) As previously requested, the material which was released is an chemical and oily mixture, not an oil as typically presumed in the routine SCAT process. Update the document to reflect that the released material is a chemical and oily mixture.
- 3) Please note that the TCEQ, where possible, contributes to the SCAT team make up. The teams described in the plan as drafted would nominally contain the identified groups as the pool to makeup the teams conducting SCAT.

Please coordinate with the FOSC regarding the comments to be provided to ITC and let us know if there are questions.

Nicole

From: spill12
Sent: Wednesday, April 10, 2019 8:53 PM
To: Nicole Bealle <Nicole.Bealle@tceq.texas.gov>
Subject: FW: 2nd 80s Fire - SCAT Plan revisions

Possible Response to Helen:

Helen,

Please review all plans to ensure the word oil is not used to describe the material that we are dealing with in this response. At a minimum we should be referencing it as material or as a chemical/oil mixture. The SCAT plan is using the word product, and we just want to make sure we are uniformed in what we are calling this throughout all the plans that we are reviewing. If this can be addressed in the morning and resubmitted with the correct wording that would be great.

-Kendra Bernhagen

From: Helen Dubach <hdubach@ctehrm.com>
Sent: Wednesday, April 10, 2019 6:57 PM
To: spill12 <spill12@tceq.texas.gov>
Subject: 2nd 80s Fire - SCAT Plan revisions

Please see attached revised SCAT Plan to address TCEQ comments. I will be printing an d circulating for signature in the morning.

Cheers,

Helen Dubach
Senior Consultant and Manager, Readiness
CTEH RM
Mobile: 504-616-2427

From: Jeffrey Wakefield <Jeffrey.Wakefield@cardno.com>
Sent: Wednesday, April 10, 2019 6:37 PM
To: Helen Dubach <hdubach@ctehrm.com>
Subject: Intended to address TCEQ desire to make it clear that this is a product release

Intended to address TCEQ desire to make it clear that this is a product release but maintain the definitions and lexicon of SCAT

Jeffrey Wakefield PhD
SENIOR CONSULTANT
PRINCIPAL - ENVIRONMENTAL ECONOMICS
CARDNO



Mobile +1 302 388 9173

Address 17124 Jays Way, Milton, Delaware 19968

Email jeffrey.wakefield@cardno.com Web www.cardno.com

CONNECT WITH CARDNO



This email and its attachments may contain confidential and/or privileged information for the sole use of the intended recipient(s). All electronically supplied data must be checked against an applicable hardcopy version which shall be the only document which Cardno warrants accuracy. If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of Cardno.

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/3/2019 6:05:40 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@lterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/3/2019 6:45:40 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel

US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams.Adam@epa.gov [Adams.Adam@epa.gov]
Sent: 4/3/2019 7:01:56 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:50 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Suggest remove the word Surface from item7.
How do you like the 'design measurements to prevent'?

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com
[<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/4/2019 8:00:53 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Looks great. Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:56 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Adam. Attached is the latest incorporating your comment for Item 4.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:53 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S

1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>;
Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie
<Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris
<petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>;
Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie
<Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris
<petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin
<quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6

staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com
<molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com;
matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC
Draft and 2019.04.02 CERCLA Statement of Work EPA
Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 7:56:52 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx

Thanks, Adam. Attached is the latest incorporating your comment for Item 4.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:53 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM

To: Adams, Adam <Adams.Adam@epa.gov>

Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam

Sent: Thursday, April 04, 2019 2:10 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/10/2019 4:18:17 PM
To: Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Webster, Susan [webster.susan@epa.gov]
Subject: FW: ITC - Latest SOW
Attachments: ITC CERCLA Statement of Work MP-RC-TM comments 4-7-19 BB 040919.docx

Hi All,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Tuesday, April 09, 2019 9:21 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; Scott.Janoe@BakerBotts.com; matthew.kuryla@bakerbotts.com; MGaudet@iterm.com
Subject: RE: ITC - Latest SOW

Ed,

Attached are a few suggested changes to the draft SOW you sent yesterday (I accepted the changes in the draft you sent so this shows only the changes I've made.)

Also, as requested, below is suggested alternative language for identification of hazardous substances for jurisdictional purposes for use in paragraph 10 of the draft AOC instead of the current sentence referring to sample analyses:

"The discharge included xylene, which is a hazardous substance, and refined petroleum products."

Please let me know if you would like to discuss either the SOW or the AOC language proposal.

These draft AOC and SOW remain subject to further review and comment by our client.

Best regards,

Aileen

From: Quinones, Edwin <quinones.edwin@epa.gov>
Sent: Monday, April 8, 2019 12:07 PM

To: Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; MGaudet@iterm.com
Subject: ITC - Latest SOW

Hi Aileen,

Based on our discussion, I'm sending you the latest draft SOW. Changes made from the one I sent on Saturday include language added (and deleted) in Items 6 and 7. Although I've shared this with EPA management, they have not yet approved it. I also haven't shared it yet with TCEQ counsel, but I'll send them a copy shortly.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/6/2019 10:54:53 PM
To: Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Webster, Susan [webster.susan@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Christian, Doretha [christian.doretha@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
Subject: FW: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc
Attachments: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Hi All,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Saturday, April 06, 2019 4:54 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Ed,

The attached includes our comments to the AOC draft you sent yesterday. Our comments are in track changes – we accepted the changes you had made so that this would show just our comments. Let us know if you'd like to discuss.

I highlighted the few places where there is information needed from one of the parties.

Thank you,

Aileen

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/9/2019 2:39:00 AM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]
Subject: Fwd: WWTS Plan For Managing Incident Wastewater - ITC
Attachments: Treatability Study.pdf; ATT00001.htm; Plan for Managing Incident Wastewater On-Site.pdf; ATT00002.htm

Attorney Client / Ex. 5

Ed

Sent from my iPhone

Begin forwarded message:

From: <aileen.hooks@bakerbotts.com>
Date: April 8, 2019 at 7:36:55 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <molly.cagle@bakerbotts.com>
Subject: FW: WWTS Plan For Managing Incident Wastewater - ITC

Ed,

Can we just ask for the FOCS to sign off on, or agree that it does not object to (or similar wording), this plan provided ITC complies with state water quality standards/conditions imposed by TCEQ? Not asking FOCS to "authorize" the operation of the WWTP/discharge without a permit – the statute and regulation do that.

Call if you'd like to discuss.

If this approach would work, I will confirm with TCEQ legal as well.

Thanks,

Aileen

From: Brent Weber <bweber@iterm.com>
Sent: Sunday, April 7, 2019 1:02 PM
To: spill12 <spill12@tceq.texas.gov>; kelly.cook@tceq.texas.gov
Cc: Nicole Bealle <Nicole.Bealle@tceq.texas.gov>; Travis Lay <Travis.Lay@Tceq.Texas.Gov>; martin.john@epa.gov; daniel.tighe@westonsolutions.com; david.galindo@tceq.texas.gov; bob.patton@tceq.texas.gov; tmitchel@tceq.texas.gov; Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; Reback, Harrison <harrison.reback@bakerbotts.com>
Subject: WWTS Plan For Managing Incident Wastewater - ITC

Please find attached the Plan for Managing Incident Wastewater On-Site and accompanying Treatability Study. Please review and advise. In addition, please send what you believe is the appropriate sampling and monitoring protocol as soon as possible.

Brent J. Weber
Intercontinental Terminals Company LLC
Senior Vice President, Sales and Marketing
Office: 281-884-0277
Cell: 225-806-5136
Bweber@iterm.com

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/3/2019 6:50:09 PM
To: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@lterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/3/2019 6:49:01 PM
To: Mason, Steve [mason.steve@epa.gov]
CC: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Gotcha. No problem, Steve. I'll stop copying you from now on, but we may seek your expertise later on.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mason, Steve
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed. I have demobed so you can remove from your emails

You have been a great help for this incident

Obviously I will still help if you need something

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Mason, Steve [mason.steve@epa.gov]
Sent: 4/3/2019 6:46:12 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Adams, Adam [Adams.Adam@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed. I have demobed so you can remove from your emails

You have been a great help for this incident

Obviously I will still help if you need something

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: ailen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: ailen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/3/2019 6:45:41 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones

Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/3/2019 6:43:41 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Mason, Steve [mason.steve@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@item.com>
Sent: Wednesday, April 03, 2019 11:59 AM

To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/3/2019 6:05:43 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@item.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/6/2019 7:04:16 PM
To: Smith, Monica [smith.monica@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Webster, Susan [webster.susan@epa.gov]
Subject: RE: ITC - Draft AOC and SOW with WMD Language
Attachments: ITC Removal AOC 9th Draft 4-6-19.doc

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Saturday, April 06, 2019 10:22 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Webster, Susan <webster.susan@epa.gov>
Subject: RE: ITC - Draft AOC and SOW with WMD Language

Looping Susan Webster in on this thread. She is helping with the review of the document.

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Quinones, Edwin
Sent: Friday, April 5, 2019 3:59 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>; Petersen,

Chris <petersen.chris@epa.gov>; Smith, Monica <smith.monica@epa.gov>

Subject: FW: ITC - Draft AOC and SOW with WMD Language

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Friday, April 05, 2019 3:57 PM

To: molly.cagle@bakerbotts.com; 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>;
matthew.kuryla@bakerbotts.com; MGaudet@item.com; Scott.Janoe@BakerBotts.com

Subject: ITC - Draft AOC and SOW with WMD Language

Hi All,

Attached is the latest draft AOC and SOW that includes new wastewater management and disposal plan (WMD Plan) language. In an effort to expedite the AOC and not mess up existing paragraph numbering, I simply added it to Paragraph 19. I also added it to new Item 6 in the draft SOW.

Management has yet to review much less approve this latest language, but I thought I'd send this to you now to keep the pace going.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 7:32:05 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 7:19:17 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@lterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/4/2019 7:10:13 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S

1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 3:42:52 PM
To: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi Adam,

When you get a chance, could you please send me your comments/edits/additions to the SOW? I'll then forward to ITC counsel.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 2:02 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:50 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@item.com>
Sent: Wednesday, April 03, 2019 11:59 AM

To: molly.cagle@bakerbotts.com; Quinones, Edwin
<quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

See attached

From: molly.cagle@bakerbotts.com
[<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/3/2019 7:01:57 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:50 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com
[<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/5/2019 4:55:16 PM
To: Peycke, Mark [Peycke.Mark@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC Removal AOC 7th draft MC-MG-MS comments 4-5-19.doc

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Friday, April 05, 2019 11:51 AM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>; matthew.kuryla@bakerbotts.com; 'Scott.Janoe@BakerBotts.com' <Scott.Janoe@BakerBotts.com>; 'MGaudet@iterm.com' <MGaudet@iterm.com>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attached is the latest draft AOC that includes comments incorporated in Paragraphs 4, 10 and 23.b.

I called and left messages with Margi Ligarde and Guy Henry at TCEQ. I tried an online search for their respective email addresses but could not find them. Do either of you have their email addresses? I'd like to send them a copy of the proposed SOW as we discussed earlier.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202

(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 3:26 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>; matthew.kuryla@bakerbotts.com;
'Scott.Janoe@BakerBotts.com' <Scott.Janoe@BakerBotts.com>; 'MGaudet@iterm.com' <MGaudet@iterm.com>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attached is our redline/strikeout of the proposed SOW. I added a new Item 3 concerning emptying the secondary containment, which OSC Adams explains your client is already doing.

With respect to the highlighted portion in Item 5, TCEQ's OSC counterpart in Unified Command raised concerns about it. Although TCEQ counsel has not seen it, their counsel called yesterday and expressed grave concerns with any proposal to discharge treated wastewater. EPA is deferring to TCEQ, which is why the highlighted portion has been deleted.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com;
MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/5/2019 3:59:34 PM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Friday, April 05, 2019 10:47 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed

Attorney Client / Ex. 5

Thanks
Ronnie

Sent from my iPhone

On Apr 5, 2019, at 10:42 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 5:07 PM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris

<petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie

Sent: Thursday, April 04, 2019 5:05 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 1:45 PM

To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Cc: Adams, Adam <Adams.Adam@epa.gov>

Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;

Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones

Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 6th draft MS comments 4-5-19.doc>

Message

From: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
Sent: 4/5/2019 3:46:51 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed

Attorney Client / Ex. 5

Thanks
Ronnie

Sent from my iPhone

On Apr 5, 2019, at 10:42 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith

Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica

Sent: Friday, April 5, 2019 5:52 AM

To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>

Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 5:07 PM

To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie

Sent: Thursday, April 04, 2019 5:05 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 1:45 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S

1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 6th draft MS comments 4-5-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/5/2019 3:42:52 PM
To: Smith, Monica [smith.monica@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC Removal AOC 6th draft MS comments 4-5-19.doc

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 5:07 PM

To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie

Sent: Thursday, April 04, 2019 5:05 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 1:45 PM

To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica

<smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Cc: Adams, Adam <Adams.Adam@epa.gov>

Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/6/2019 7:04:16 PM
To: Smith, Monica [smith.monica@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Webster, Susan [webster.susan@epa.gov]
Subject: RE: ITC - Draft AOC and SOW with WMD Language
Attachments: ITC Removal AOC 9th Draft 4-6-19.doc

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Saturday, April 06, 2019 10:22 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Webster, Susan <webster.susan@epa.gov>
Subject: RE: ITC - Draft AOC and SOW with WMD Language

Looping Susan Webster in on this thread. She is helping with the review of the document.

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Quinones, Edwin
Sent: Friday, April 5, 2019 3:59 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>; Petersen,

Chris <petersen.chris@epa.gov>; Smith, Monica <smith.monica@epa.gov>

Subject: FW: ITC - Draft AOC and SOW with WMD Language

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Friday, April 05, 2019 3:57 PM

To: molly.cagle@bakerbotts.com; 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>;
matthew.kuryla@bakerbotts.com; MGaudet@item.com; Scott.Janoe@BakerBotts.com

Subject: ITC - Draft AOC and SOW with WMD Language

Hi All,

Attached is the latest draft AOC and SOW that includes new wastewater management and disposal plan (WMD Plan) language. In an effort to expedite the AOC and not mess up existing paragraph numbering, I simply added it to Paragraph 19. I also added it to new Item 6 in the draft SOW.

Management has yet to review much less approve this latest language, but I thought I'd send this to you now to keep the pace going.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 3:42:52 PM
To: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi Adam,

When you get a chance, could you please send me your comments/edits/additions to the SOW? I'll then forward to ITC counsel.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 2:02 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:50 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@item.com>
Sent: Wednesday, April 03, 2019 11:59 AM

To: molly.cagle@bakerbotts.com; Quinones, Edwin
<quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

See attached

From: molly.cagle@bakerbotts.com
[<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/3/2019 6:43:41 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Mason, Steve [mason.steve@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@item.com>
Sent: Wednesday, April 03, 2019 11:59 AM

To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Mason, Steve [mason.steve@epa.gov]
Sent: 4/3/2019 6:46:12 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Adams, Adam [Adams.Adam@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed. I have demobed so you can remove from your emails

You have been a great help for this incident

Obviously I will still help if you need something

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Suggest remove the word Surface from item7.
How do you like the 'design measurements to prevent'?

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.
Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>

Sent: Wednesday, April 03, 2019 11:59 AM

To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions
See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]

Sent: Wednesday, April 03, 2019 10:26 AM

To: quinones.edwin@epa.gov

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not
reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/3/2019 6:49:01 PM
To: Mason, Steve [mason.steve@epa.gov]
CC: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Gotcha. No problem, Steve. I'll stop copying you from now on, but we may seek your expertise later on.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mason, Steve
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed. I have demobed so you can remove from your emails

You have been a great help for this incident

Obviously I will still help if you need something

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/3/2019 6:50:09 PM
To: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@lterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or

reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/10/2019 4:18:17 PM
To: Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Webster, Susan [webster.susan@epa.gov]
Subject: FW: ITC - Latest SOW
Attachments: ITC CERCLA Statement of Work MP-RC-TM comments 4-7-19 BB 040919.docx

Hi All,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Tuesday, April 09, 2019 9:21 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; Scott.Janoe@BakerBotts.com; matthew.kuryla@bakerbotts.com; MGaudet@iterm.com
Subject: RE: ITC - Latest SOW

Ed,

Attached are a few suggested changes to the draft SOW you sent yesterday (I accepted the changes in the draft you sent so this shows only the changes I've made.)

Also, as requested, below is suggested alternative language for identification of hazardous substances for jurisdictional purposes for use in paragraph 10 of the draft AOC instead of the current sentence referring to sample analyses:

"The discharge included xylene, which is a hazardous substance, and refined petroleum products."

Please let me know if you would like to discuss either the SOW or the AOC language proposal.

These draft AOC and SOW remain subject to further review and comment by our client.

Best regards,

Aileen

From: Quinones, Edwin <quinones.edwin@epa.gov>
Sent: Monday, April 8, 2019 12:07 PM

To: Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; MGaudet@iterm.com
Subject: ITC - Latest SOW

Hi Aileen,

Based on our discussion, I'm sending you the latest draft SOW. Changes made from the one I sent on Saturday include language added (and deleted) in Items 6 and 7. Although I've shared this with EPA management, they have not yet approved it. I also haven't shared it yet with TCEQ counsel, but I'll send them a copy shortly.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 7:19:17 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@lterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 7:32:05 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/5/2019 3:42:52 PM
To: Smith, Monica [smith.monica@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC Removal AOC 6th draft MS comments 4-5-19.doc

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 5:07 PM

To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie

Sent: Thursday, April 04, 2019 5:05 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 1:45 PM

To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica

<smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Cc: Adams, Adam <Adams.Adam@epa.gov>

Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
Sent: 4/5/2019 3:46:51 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed

Attorney Client / Ex. 5

Thanks
Ronnie

Sent from my iPhone

On Apr 5, 2019, at 10:42 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM

To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Ed-this more about hosting a workshop on emergency response and preparedness, release notifications and community notifications. Steve used to conduct these types of workshops years ago.

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 5:07 PM

To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Sure thing, Ronnie. I'll find some community involvement/outreach language from other AOCs and include it.

Edwin Quinones

Assistant Regional Counsel

US EPA Region 6, 6RC-S

1445 Ross Ave.

Dallas, TX 75202

(214) 665-8035

From: Crossland, Ronnie

Sent: Thursday, April 04, 2019 5:05 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 1:45 PM

To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>;

Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie

<Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Cc: Adams, Adam <Adams.Adam@epa.gov>

Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve. We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 6th draft MS comments 4-5-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/5/2019 3:59:34 PM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Friday, April 05, 2019 10:47 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed

Attorney Client / Ex. 5

Thanks
Ronnie

Sent from my iPhone

On Apr 5, 2019, at 10:42 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 5:07 PM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris

<petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie

Sent: Thursday, April 04, 2019 5:05 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 1:45 PM

To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Cc: Adams, Adam <Adams.Adam@epa.gov>

Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;

Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones

Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 6th draft MS comments 4-5-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/5/2019 4:55:16 PM
To: Peycke, Mark [Peycke.Mark@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC Removal AOC 7th draft MC-MG-MS comments 4-5-19.doc

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Friday, April 05, 2019 11:51 AM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>; matthew.kuryla@bakerbotts.com; 'Scott.Janoe@BakerBotts.com' <Scott.Janoe@BakerBotts.com>; 'MGaudet@iterm.com' <MGaudet@iterm.com>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attached is the latest draft AOC that includes comments incorporated in Paragraphs 4, 10 and 23.b.

I called and left messages with Margi Ligarde and Guy Henry at TCEQ. I tried an online search for their respective email addresses but could not find them. Do either of you have their email addresses? I'd like to send them a copy of the proposed SOW as we discussed earlier.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202

(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 3:26 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>; matthew.kuryla@bakerbotts.com;
'Scott.Janoe@BakerBotts.com' <Scott.Janoe@BakerBotts.com>; 'MGaudet@iterm.com' <MGaudet@iterm.com>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attached is our redline/strikeout of the proposed SOW. I added a new Item 3 concerning emptying the secondary containment, which OSC Adams explains your client is already doing.

With respect to the highlighted portion in Item 5, TCEQ's OSC counterpart in Unified Command raised concerns about it. Although TCEQ counsel has not seen it, their counsel called yesterday and expressed grave concerns with any proposal to discharge treated wastewater. EPA is deferring to TCEQ, which is why the highlighted portion has been deleted.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com;
MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 10:26 AM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/9/2019 2:39:00 AM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]
Subject: Fwd: WWTS Plan For Managing Incident Wastewater - ITC
Attachments: Treatability Study.pdf; ATT00001.htm; Plan for Managing Incident Wastewater On-Site.pdf; ATT00002.htm

Attorney Client / Ex. 5

Ed

Sent from my iPhone

Begin forwarded message:

From: <aileen.hooks@bakerbotts.com>
Date: April 8, 2019 at 7:36:55 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <molly.cagle@bakerbotts.com>
Subject: FW: WWTS Plan For Managing Incident Wastewater - ITC

Ed,

Can we just ask for the FOCS to sign off on, or agree that it does not object to (or similar wording), this plan provided ITC complies with state water quality standards/conditions imposed by TCEQ? Not asking FOCS to "authorize" the operation of the WWTP/discharge without a permit – the statute and regulation do that.

Call if you'd like to discuss.

If this approach would work, I will confirm with TCEQ legal as well.

Thanks,

Aileen

From: Brent Weber <bweber@iterm.com>
Sent: Sunday, April 7, 2019 1:02 PM
To: spill12 <spill12@tceq.texas.gov>; kelly.cook@tceq.texas.gov
Cc: Nicole Bealle <Nicole.Bealle@tceq.texas.gov>; Travis Lay <Travis.Lay@Tceq.Texas.Gov>; martin.john@epa.gov; daniel.tighe@westonsolutions.com; david.galindo@tceq.texas.gov; bob.patton@tceq.texas.gov; tmitchel@tceq.texas.gov; Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; Reback, Harrison <harrison.reback@bakerbotts.com>
Subject: WWTS Plan For Managing Incident Wastewater - ITC

Please find attached the Plan for Managing Incident Wastewater On-Site and accompanying Treatability Study. Please review and advise. In addition, please send what you believe is the appropriate sampling and monitoring protocol as soon as possible.

Brent J. Weber

Intercontinental Terminals Company LLC
Senior Vice President, Sales and Marketing
Office: 281-884-0277
Cell: 225-806-5136
Bweber@iterm.com

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 7:56:52 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Attachments: ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:53 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM

To: Adams, Adam <Adams.Adam@epa.gov>

Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam

Sent: Thursday, April 04, 2019 2:10 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/6/2019 10:54:53 PM
To: Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Webster, Susan [webster.susan@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Christian, Doretha [christian.doretha@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
Subject: FW: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc
Attachments: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Hi All,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Saturday, April 06, 2019 4:54 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Ed,

The attached includes our comments to the AOC draft you sent yesterday. Our comments are in track changes – we accepted the changes you had made so that this would show just our comments. Let us know if you'd like to discuss.

I highlighted the few places where there is information needed from one of the parties.

Thank you,

Aileen

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 9:41:30 PM
To: Adams, Adam [Adams.Adam@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Thursday, April 04, 2019 4:31 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,
We now have 14,000,000 gal of wastewater.

Sent from my iPhone

On Apr 4, 2019, at 11:44 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/4/2019 7:10:13 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com;

MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones

Assistant Regional Counsel

US EPA Region 6, 6RC-S

1445 Ross Ave.

Dallas, TX 75202

(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 10:26 AM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;

Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/4/2019 7:53:08 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI
Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I dont believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve. We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/4/2019 8:00:53 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Looks great. Thanks Ed

Sent from my iPhone

On Apr 4, 2019, at 2:56 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:53 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 2:32 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Thanks!

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 2:19 PM
To: Adams, Adam <Adams.Adam@epa.gov>

Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI
Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@lterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin
<quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com
<molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 10:26 AM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com;

matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: 2019.04.02 CERCLA Statement of Work ITC
Draft and 2019.04.02 CERCLA Statement of Work EPA
Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like
your draft AOC, not reviewed by client, but
gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments
is intended only for the recipient[s] listed above and may be
privileged and confidential. Any dissemination, copying, or
use of or reliance upon such information by or to anyone
other than the recipient[s] listed above is prohibited. If you
have received this message in error, please notify the sender
immediately at the email address above and destroy any and
all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-
19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/3/2019 6:05:43 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>

Sent: Wednesday, April 03, 2019 11:59 AM

To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]

Sent: Wednesday, April 03, 2019 10:26 AM

To: quinones.edwin@epa.gov

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/3/2019 6:45:41 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Suggest remove the word Surface from item7.

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.
Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions
See attached

From: molly.cagle@bakerbotts.com [mailto:molly.cagle@bakerbotts.com]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions
Ed,
Here is a draft Statement of Work, and like your draft AOC, not
reviewed by client, but gets us started.
What time works for a call?
Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/3/2019 7:01:57 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:50 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Originally we used 'prevent...'
They want to soften it and say 'take measures to prevent'
Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
Suggest remove the word Surface from item7.
How do you like the 'design measurements to prevent'?

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@item.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
See attached

From: molly.cagle@bakerbotts.com
[<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/2/2019 7:19:59 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smith, Monica [smith.monica@epa.gov]
Subject: Fwd: 311 SOW marked up
Attachments: redline.docx; ATT00001.htm

Hi Adam,

Attorney Client / Ex. 5

Ed Q

Sent from my iPhone

Begin forwarded message:

From: <molly.cagle@bakerbotts.com>
Date: April 2, 2019 at 1:25:34 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <MGaudet@iterm.com>, <matthew.kuryla@bakerbotts.com>, <aileen.hooks@bakerbotts.com>
Subject: 311 SOW marked up

Confidential settlement discussions

Ed,

I have not had a chance to review the attached with client. We will absolutely must do that before this can be considered a proposal. But, here's a mark-up of the 311 SOW to start our discussions about a SOW attached to a time critical CERCLA Order that would revoke the 311 Order..

Best,
Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]
Sent: 4/2/2019 7:22:04 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smith, Monica [smith.monica@epa.gov]
Subject: Re: 311 SOW marked up

I'll ask them to send the redline color version. I made some edits on the hard copy provided, but maybe they didn't like them.

Sent from my iPhone

On Apr 2, 2019, at 2:20 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Ed Q

Sent from my iPhone

Begin forwarded message:

From: <molly.cagle@bakerbotts.com>
Date: April 2, 2019 at 1:25:34 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <MGaudet@iterm.com>, <matthew.kuryla@bakerbotts.com>, <aileen.hooks@bakerbotts.com>
Subject: 311 SOW marked up

Confidential settlement discussions

Ed,

I have not had a chance to review the attached with client. We will absolutely must do that before this can be considered a proposal. But, here's a mark-up of the 311 SOW to start our discussions about a SOW attached to a time critical CERCLA Order that would revoke the 311 Order..

Best,
Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<redline.docx>

Message

From: mason.steve@epa.gov [mason.steve@epa.gov]
Sent: 4/3/2019 6:46:11 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Adams, Adam [Adams.Adam@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed. I have demobed so you can remove from your emails

You have been a great help for this incident

Obviously I will still help if you need something

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: ailen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

See attached

From: molly.cagle@bakerbotts.com [<mailto:molly.cagle@bakerbotts.com>]
Sent: Wednesday, April 03, 2019 10:26 AM
To: quinones.edwin@epa.gov
Cc: ailen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

From: Smith, Monica [smith.monica@epa.gov]
Sent: 4/5/2019 2:00:31 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Mason, Steve [mason.steve@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 5:07 PM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Thursday, April 04, 2019 5:05 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 1:45 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Smith, Monica [smith.monica@epa.gov]
Sent: 4/5/2019 10:52:06 AM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
CC: Quinones, Edwin [quinones.edwin@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Monica knows what it is necessary.

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 5:07 PM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Thursday, April 04, 2019 5:05 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin

Sent: Thursday, April 4, 2019 1:45 PM

To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Cc: Adams, Adam <Adams.Adam@epa.gov>

Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones

Assistant Regional Counsel

US EPA Region 6, 6RC-S

1445 Ross Ave.

Dallas, TX 75202

(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attorney Client / Ex. 5

Edwin Quinones

Assistant Regional Counsel

US EPA Region 6, 6RC-S

1445 Ross Ave.

Dallas, TX 75202

(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 10:26 AM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
Sent: 4/4/2019 10:04:52 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 1:45 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Quinones, Edwin [quinones.edwin@epa.gov]
Sent: 4/4/2019 10:06:47 PM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Thursday, April 04, 2019 5:05 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 1:45 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin

Sent: Thursday, April 04, 2019 1:45 PM

To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>

Sent: Wednesday, April 03, 2019 2:13 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com

Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.

Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

Message

From: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
Sent: 4/4/2019 10:43:22 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Monica knows what it is necessary.

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 5:07 PM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Thursday, April 04, 2019 5:05 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 1:45 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter

references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.

What time works for a call?

Best, Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>